

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARK WHITE,

Plaintiff,

v.

Civil No. 2:23-cv-10592

Hon. Denise Page Hood

MICHIGAN DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

ORDER ACCEPTING REPORT AND RECOMMENDATION (#33)

This matter is before the Court on the Magistrate Judge's Report and Recommendation dated May 20, 2024. (ECF No. 33) To date, no Objections have been filed to the Report and Recommendation.

The standard of review by the district court when examining a Report and Recommendation is set forth in 28 U.S.C. § 636. This Court "shall make a *de novo* determination of those portions of the report or the specified proposed findings or recommendations to which an objection is made." 28 U.S.C. § 636(B)(1)(c). The Court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the Magistrate." *Id.* In order to preserve the right to appeal the Magistrate Judge's recommendation, a party must file objections to the Report and Recommendation within fourteen (14) days of service of the Report and Recommendation. Fed. R. Civ. P. 72(b)(2). Failure to file specific objections

constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

After review of the May 20, 2024 Report and Recommendation, the Court finds that the Magistrate Judge's conclusions are correct. The Court agrees with the Magistrate Judge that the Motion to Dismiss the Motion for Relief from Judgment be granted. Accordingly,

IT IS ORDERED that Magistrate Judge Elizabeth A. Stafford's Report and Recommendation (**ECF No. 33**) is **ACCEPTED AND ADOPTED** as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff's Motion to Dismiss Motion for Relief from Judgment (**ECF No. 31**) is **GRANTED**.

IT IS FURTHER ORDERED that the Motion for Relief from Judgment (**ECF No. 29**) is **DENIED as MOOT**.

IT IS FURTHER ORDERED that an appeal from this order would be frivolous and would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

S/DENISE PAGE HOOD
Denise Page Hood
United States District Judge

Dated: December 20, 2024